

GUIDELINES

VICTIMS OF CRIME ACT CRIME VICTIM ASSISTANCE GRANT

Effective Upon Issuance



**Michigan Department of
Health & Human Services**

RICK SNYDER, GOVERNOR
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**CRIME VICTIM ASSISTANCE GRANT
CRIME VICTIM SERVICES COMMISSION
DEPARTMENT OF HEALTH AND HUMAN
SERVICES
Capitol View Building
201 Townsend Street, Lansing, Michigan 48913**

**THIS DOCUMENT SHOULD BE RETAINED ALONG WITH
PERMANENT AGENCY VOCA GRANT RECORDS.**

VICTIMS OF CRIME ACT (VOCA)
CRIME VICTIM ASSISTANCE GRANT
VOCA Guidelines

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OTHER PRINTABLE DOCUMENTS:

VOCA Crime Victim Assistance Grants: Frequently Asked Questions

VOCA Crime Victim Assistance Grants: Funding Recommendation and Denial Appeals Policies and Procedures

**CRIME VICTIM SERVICES COMMISSION
DEPARTMENT OF HEALTH AND HUMAN
SERVICES**

**VICTIMS OF CRIME ACT (VOCA)
CRIME VICTIM ASSISTANCE GRANT
VOCA Guidelines**

The Crime Victim Services Commission (CVSC), Department of Health and Human Services (DCH), is issuing VOCA Guidelines to implement the VOCA victim assistance grant program as authorized by the Victims of Crime Act of 1984, Section 1404 of VOCA, Public Law 98-473, as amended, codified at 42 U.S.C. 10603 (hereinafter referred to as VOCA). These VOCA Guidelines provide information on the administration and implementation of the VOCA victim assistance grant program for the State of Michigan pursuant to PA 223 of 1976 as amended. These guidelines are all inclusive and effective upon publication for the VOCA victim assistance grant program, until further revised by CVSC.

The CVSC supports and promotes quality services for crime victims by partnering with the local agencies throughout Michigan that perform the essential work of victim assistance. The provision of rights and mandated services outlined in Michigan's Constitution and the Victim Rights Act provide the beginning of a foundation of important services to crime victims.

FOR FURTHER INFORMATION CONTACT: Leslie O'Reilly, Program Specialist, Crime Victim Services Commission, Michigan Department of Community Health, 201 Townsend Street, Capitol View Building, Lansing, Michigan 48909. Contact oreillyL@michigan.gov or telephone number (517) 241-5249.

GUIDELINES FOR CRIME VICTIM ASSISTANCE GRANTS

I. BACKGROUND

In 1984, VOCA established the Crime Victims Fund (Fund) in the U.S. Treasury and authorized the Fund to receive deposits of fines and penalties levied against criminals convicted of federal crimes. This Fund provides the source of funding for carrying out all of the activities authorized by VOCA for the award of crime victim compensation and crime victim assistance funds to the states. VOCA gives the states sole authority to determine how VOCA victim assistance grant funds are to be best used within each state.

A. Definitions:

For the purpose of the VOCA grant program, the following definitions apply:

1. **Crime Victim** is anyone of any age who has suffered physical, sexual, financial or emotional harm as a result of the commission of a crime. Each person and each situation has varying circumstances with different personal reactions, problems, and needs. A victim is defined as the person against whom the crime was directed, except in the case of homicide and DUI/DWI deaths where the "victims" are survivors. In domestic violence situations, children of spouse/partner abuse victims are considered victims. The husband/wife of a rape victim who receives counseling, non-offending parents of child abuse victims, and surviving family members of homicide and DUI/DWI victims are considered victims for purposes of crime victim assistance grant program.
2. **Child** is any person under the age of 18 or as otherwise defined by State law.
3. **Teen** is a youth, ages 13-17.
4. **Elder Abuse** is defined as abuse of vulnerable adults including the mistreatment of older persons through physical, sexual, psychological or physical violence; neglect; or economic exploitation and fraud.
5. **Federal Crime Victim** is defined as a victim of an offense that violates a federal criminal statute or regulation. Federal crimes also include crimes that occur in an area where the federal government has jurisdiction, such as Indian reservations, some national parks, some federal buildings, and military installations.
6. **Native American Tribe/Organization** is defined as any tribe, band, nation, or other organized group or community, which is recognized as eligible for the special programs and services provided by the U.S. to Native Americans because of their status as Native Americans. A reservation is defined as a tract of land set aside for use of, and occupancy by, Native Americans.
7. **Hate Crime Victim** is defined as a victim of an act of intimidation, harassment, physical force, or threat of physical force directed against any person, or family, or their property, or advocate, motivated either in whole or in part by hostility because of race, color, ethnic background, national origin, religion, sex, age, disability, or sexual orientation, real or perceived, with the intention of causing fear or intimidation, or of deterring the free exercise or

enjoyment of any rights or privileges secured by the Constitution or laws of the United States or the state of Michigan whether or not performed under color of law.

8. ***Economic Exploitation and Fraud Victim*** is defined as an individual victimized by the perpetrators of bogus vacation opportunities, fly-by-night home repair companies, advance fee schemes, mail fraud, computer fraud, health care fraud, insurance fraud, pension and trust fund fraud, credit card fraud, check fraud, charity fraud, home repair schemes, identity theft, land schemes, embezzlement, securities and investment fraud (including commodities fraud), telemarketing fraud, and reverse mortgage fraud. Fraud crimes can be prosecuted at either the state or federal level, depending on a number of factors: type of fraud scheme and amount of money stolen, laws violated (federal, state or both), method of operation, use of public services (such as the U.S. Postal Service, telecommunications systems, and Medicare) that fall under federal or state regulation and authority, location of the crime (within state or across state or national borders).

Although VOCA-funded programs cannot restore the financial losses suffered by victims of fraud, victims are eligible for counseling, criminal justice advocacy, and other support services offered by VOCA-funded victim assistance programs.

9. **Adults Sexually Abused/Assaulted as Children**

Adult survivors of sexual abuse and/or assault suffered while they were children.

10. **Adult Physical Assault Aggravated Assault:**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

11. **Simple Assault:**

Assaults and attempted assaults where no weapon was used or no serious or aggravated injury resulted to the victim. Intimidation, coercion, and hazing are included.

12. Adult Sexual Assault

Includes a wide range of victimizations; crimes that include attacks or attempted attacks generally involving unwanted sexual contact between victim and offender. Sexual assaults may or may not involve force and include such things as grabbing, fondling, and verbal threats. Also included is rape, which is defined as penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration of a sex organ by another person, without the consent of the victim.

13. Arson

Any willful or malicious burning or attempting to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, and so on.

14. Bullying (cyber, physical or verbal)

Repeated, negative acts committed by one or more children against another. These negative acts may be physical or verbal in nature – for example, hitting or kicking, teasing or taunting – or they may involve indirect actions such as manipulating friendships or purposely excluding other children from activities. Implicit in this definition is an imbalance in real or perceived power between the bully and victim. Examples of cyber bullying include mean text messages or emails, rumors sent by email or posted on social networking sites, and embarrassing pictures, videos, websites, or fake profiles.

15. Burglary

The unlawful entry of a structure to commit a felony or theft. The FBI's Uniform Crime Reporting (UCR) program includes three sub classifications: forcible entry, unlawful entry where no force is used, and attempted forcible entry. The UCR definition of "structure" includes apartment, barn, house trailer or houseboat when used as a permanent dwelling, office, railroad car (but not automobile), stable, and vessel (i.e., ship).

16. Child Physical Abuse and Neglect

This may include physical abuse that is non accidental physical injury (ranging from minor bruises to severe fractures or death) as a result of punching, beating, kicking, biting, shaking, throwing, stabbing, choking, hitting (with a hand, stick, strap, or other object), burning, or otherwise harming a child, that is inflicted by a parent, caregiver, or other person. Such injury is considered abuse regardless of whether the caregiver intended to hurt the child. Physical discipline, such as

spanking or paddling, is not considered abuse as long as it is reasonable and causes no bodily injury to the child.

17. Child Sexual Abuse and Assault

This may include activities such as fondling a child's genitals, penetration, incest, rape, sodomy, indecent exposure, and exploitation through prostitution by a parent, caregiver, or other person.

18. Child Pornography

Any visual depiction, including any photograph, film, video, picture, drawing, or computer or computer-generated image or picture, which is produced by electronic, mechanical, or other means, of sexually explicit conduct, where: (1) its production involved the use of a minor engaging in sexually explicit conduct; (2) such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct; (3) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or (4) it is advertised, distributed, promoted, or presented in such a manner as to convey the impression that it is a visual depiction of a minor engaging in sexually explicit conduct.

19. Domestic and/or Family Violence

A crime in which there is a past or present familial, household, or other intimate relationship between the victim and the offender, including spouses, ex-spouses, boyfriends and girlfriends, ex-boyfriends and ex-girlfriends, and any family members or persons residing in the same household as the victim. Involves a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

20. DUI/DWI Incidents

Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.

21. Elder Abuse/Neglect

Also known as elder mistreatment generally refers to any knowing, intentional, or negligent act by a family member, caregiver, or other person in a trust relationship that causes harm or creates a serious risk of harm to an older person. Elder abuse may include abuse that is physical, emotional/psychological (including threats), or sexual; neglect (including abandonment); and financial exploitation. This is a general definition; state definitions of elder abuse vary. Some definitions may also include fraud, scams, or financial crimes targeted at older people.

22. Hate Crime (Racial/Religious/Gender/Sexual Orientation/Other)

A criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, ethnic origin, or sexual orientation.

23. Human Trafficking: Sex/Labor

Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or the person induced to perform such act(s) has not attained 18 years of age. It also covers obtaining a person through recruitment, harboring, transportation, or provision, and subjecting such a person by force, fraud, or coercion into involuntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts).

24. Identity Theft/Fraud/Financial Crimes

Identity theft occurs when someone wrongfully obtains another's personal information without their knowledge to commit theft or fraud. Fraud and financial crimes include illegal acts characterized by deceit, concealment, or violation of trust and that are not dependent upon the application or threat of physical force or violence. Individuals and organizations commit these acts to obtain money, property, or services; to avoid the payment or loss of money or services; or to secure personal or business advantage.

25. Kidnapping

Occurs when someone unlawfully seizes confines, inveigles, decoys, abducts, or carries away and holds for ransom or reward, by any person, except in the case of a minor by the parent thereof.

26. **Mass Violence: Domestic/International**

An intentional violent criminal act, for which a formal investigation has been opened by the FBI or other law enforcement agency, that results in physical, emotional, or psychological injury to a sufficiently large number of people to significantly increase the burden of victim assistance and compensation for the responding jurisdiction as determined by the OVC Director.

27. **Other Vehicular Victimization**

May include hit-and-run crimes, carjacking.

28. **Robbery**

Taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

29. **Stalking**

Individuals are classified as stalking victims if they experienced at least one of the behaviors listed below on at least two separate occasions. In addition, the individuals must have feared for their safety or that of a family member as a result of the course of conduct, or have experienced additional threatening behaviors that would cause a reasonable person to feel fear. Stalking behaviors include making unwanted phone calls; sending unsolicited or unwanted letters or e-mails; following or spying on the victim; showing up at places without a legitimate reason; waiting at places for the victim; leaving unwanted items, presents, or flowers; and posting information or spreading rumors about the victim on the Internet/social media, in a public place, or by word of mouth.

30. **Survivors of Homicide Victims**

Survivors of victims of murder and voluntary manslaughter, which are the willful (intent is present) killing of one human being by another.

31. **Teen Dating Victimization**

Teen dating violence is defined as the physical, sexual, psychological, or emotional violence within a teen dating relationship, including stalking. It can occur in person or electronically and might occur between a current or former dating partner.

32. **Terrorism: Domestic**

The term terrorism means an activity that...(1) involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and (2) appears to be intended...(a) to intimidate or coerce a civilian population, (b) to influence the policy of a government by intimidation or coercion or (c) to affect the conduct of a government by assassination or kidnapping (18 U.S.C. 3077).

33. **Terrorism: International**

The *antiterrorism and Emergency Reserve Fund Guidelines for Terrorism and Mass Violence Crimes* refers to the term terrorism, when occurring outside of the United States, as international terrorism to mean an activity that...(1) involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States of any State or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; (2) appears to be intended...(a) to intimidate or coerce a civilian population; (b) to influence the policy of a government by intimidation or coercion; or (c) to affect the conduct of a government by assassination or kidnapping; and (3) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum (18 U.S.C. 2331).

- B. The primary purpose of these grants is to support agency staff who provide direct services to victims of crime in Michigan. Priority will be given to projects serving victims of sexual assault, domestic violence, child physical and sexual abuse and previously underserved victims of violent crime such as drunk driving crashes, homicide, elder abuse, adults molested as children, robbery or bank robbery, assault, hate crimes and victims of exploitation and fraud. For the purpose of the VOCA Guidelines, services are defined as those efforts that (1) respond to the emotional and physical needs of crime victims; (2) assist primary and secondary victims of crime to stabilize their lives after a victimization; (3) assist victims to understand and participate in the criminal justice system; and (4) provide victims of crime with a measure of safety and security such as boarding-up broken windows and replacing or repairing locks.

C. Eligible services are further defined:

1. **Crisis Counseling** refers to in-person crisis intervention, emotional support, and guidance and counseling on an individual basis provided by advocates, counselors, mental health professionals or peers. Such counseling may occur: a) at the scene of a crime; b) immediately after a crime; c) at the first, in-person contact between a counselor and victim (this would include meeting the victim in an emergency room, at a police station, or at a prosecuting attorney's office, etc.); d) during in-person contact for the duration of the crisis experience; or e) in the case of survivors of homicide victims or DUI/DWI, counseling may occur months after the victimization.
2. **Follow-up Contact** refers to in-person contacts, telephone contacts and written communication with the victims to offer individual emotional support, provide empathic listening, check on victim's progress and offer guidance for other-than-crisis reactions after the victimization.
3. **Therapy** refers to intensive professional psychological and/or psychiatric treatment for individuals, couples, and family members related to counseling to provide emotional support in crisis arising from the occurrence of crime. This includes the evaluation of mental health needs, as well as the actual delivery of psychotherapy.
4. **Group Treatment/Support** refers to the coordination and provision of supportive group treatment activities. This includes self-help, peer, social support, drop-in groups, and community crisis intervention in a group setting.
5. **Crisis Hotline Counseling** refers to the operation of a 24-hour telephone service, 7 days a week, which provides counseling, guidance, emotional support, information and referral, etc.
6. **Information and Referral** (in-person) refers to in-person contacts with the victim during which time services and available support are identified.
7. **Criminal Justice Support/Advocacy** refers to support, assistance and advocacy provided to crime victims at any stage of the criminal justice process, and includes post-sentencing services and support.
8. **Emergency Financial Assistance** refers to petty cash for security measures (replacement of locks, and temporary repair of doors and windows to prevent immediate revictimization) and assistance in participating in criminal justice proceedings (i.e., transportation, child care, and respite care for dependent adult). This is limited to \$200 per victim/per case. This list is all inclusive. The agency

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must have written policies and maintain detailed records regarding distribution of funds under this provision.

9. **Emergency Legal Advocacy** refers to attorneys or para-professionals assisting victims of domestic violence, elder abuse, child abuse or stalking in filing personal protection orders. If there has been a violation of the Personal Protection Order and no arrest has been made, assistance with a Motion and Order for Show Cause Hearing for violation may be allowed. Emergency legal assistance such as filing personal protection orders and obtaining emergency custody/visitation rights when such actions are directly connected to family violence cases and are taken to ensure the health and safety of the victim(s) is allowed when performed by agencies and programs with a demonstrated history of advocacy on behalf of domestic violence victims. This does not include criminal prosecution, juvenile adjudication or the use of VOCA funds in the employment of private attorneys for non-emergency legal representation purposes such as custody disputes, civil suits, civil restitution recovery efforts, and divorce actions.
10. **Assistance in Filing Compensation Claims** includes making injured victims aware of the availability of crime victims compensation and, upon the victim's request, assisting the victim in completing the required forms and in gathering the needed documentation. It may also include follow-up contact with the CVSC on behalf of the victim. However, due to privacy laws, CVSC cannot provide information about the victim and can only provide limited information about the victim's claim. **Provision of this service is a grant eligibility requirement.**
11. **Personal Advocacy** refers to assisting victims in securing rights, remedies, and services from other agencies, locating emergency financial assistance, intervening with employers, creditors, and others on behalf of the victim; assistance with filing for losses covered by public and private insurance programs including workman's compensation, unemployment benefits, welfare, Medicare, etc. and accompanying the victim to the hospital.
12. **Telephone Contacts** refers to contacts with victims during which time services and available support are identified.
13. **Shelter/Safe House** generally refers to offering short-term and long-term housing and related support services to victims and non-offending members of their family following a victimization. For DVPTB supported agencies, the CVSC will concentrate its funding support toward non-residential and criminal justice related services.

II. ALLOCATION OF VOCA VICTIM ASSISTANCE FUNDS

Availability of Funds: When recommending an award, the following is considered: the range of victim services throughout the state and within communities; the unmet needs of crime victims; the demographic profile of crime victims; the coordinated, cooperative response of community organizations in organizing services for crime victims; the availability of services to crime victims throughout the criminal justice process; and the extent to which other sources of funding are available for services. A goal of award is to enhance and expand services to crime victims in the State of Michigan. Services already provided through funding sources other than VOCA will not be eligible for funding. It is unlikely that new agencies will be awarded grants of more than \$40,000. In general, unless significant need can be justified, no more than five individual persons (5 FTE's) will be supported by VOCA grant funds. Partial funding of positions is strongly discouraged.

III. VOCA VICTIM ASSISTANCE APPLICATION PROCESS

A. Sub-grantee Application Process

Each year, CVSC issues a funding notice outlining the availability of grant program funding. Applicants request an Application Kit which contains the necessary forms and information required to apply for VOCA grant funds, including the Application, Application Instructions and VOCA Guidelines. Completed applications must be submitted on or before the stated deadline, as determined by CVSC. Certifications by applicant are required with regard to governing board authorization to submit proposal, contract assurances, non-discrimination in employment and services and prohibitions regarding lobbying, debarment, suspension and other responsibility matters are required. Applicants are also required to provide evidence of compliance with audit requirements. Non-profit organizations must provide IRS documentation of current non-profit status. Equal Employment Opportunity Plan or Certification documentation is required.

Applications are reviewed and evaluated based upon:

1. Compliance with the Act and VOCA state program guidelines;
2. Completeness and clarity with which it addresses each section of the Application package;
3. Scope of the proposal in terms of the potential number of victims to be provided with appropriate services;
4. The overall concept, feasibility and likelihood of success of the proposal through the applicant's program and fiscal structure;
5. Accountability within the organization leading to quality service delivery;
6. Budget represents responsible grant expenditures and proposal is cost effective; and
7. The applicant's past financial, program reporting and audit compliance.

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Applicants will receive written notice of award or denial. If an agreement is issued, the Sub-grantee must return a signed agreement prior to the beginning date of the project period.

B. Applicant Organization Eligibility Requirements

VOCA establishes eligibility criteria, which must be met by all organizations that receive VOCA funds. Funds will be awarded only to applicants to provide services to victims of crime through their staff. To be eligible for funding, each applicant agency shall meet the following requirements:

1. **Public Agency or Nonprofit Organization.** Applicant Agency must be operated by public or nonprofit organization, or a combination of such organizations, and provide services to crime victims.
2. **Record of Effective Services.** Demonstrate a record of providing effective services to crime victims. This includes having the support and approval of its services by the community, a history of providing direct services in a cost-effective manner, and financial support from other sources. Applicants are encouraged to promote the development of consistent, professional standards for recruitment, training, supervision, and delegation of crime victim service assignments to agency staff, regardless of funding source, and volunteers.
3. **New Programs.** Those agencies, which have not yet demonstrated a record of providing victim services and have been operating less than one year from the submission of the grant application, may be eligible to receive VOCA funding, if they can demonstrate that 20-50 percent of financial support comes from non-federal sources. It is important that agencies have a variety of funding sources besides federal funding in order to ensure their financial stability. CVSC staff will establish the base level of non-federal financial support required within the 25-50 percent range for each applicant.
4. **Program Match Requirements.** The purpose of matching contributions is to increase the amount of resources available to the projects supported by grant funds. Matching contributions of 20 percent (cash or in-kind) of the total cost of each VOCA project (VOCA grant plus match) are required for each VOCA-funded project and must be derived from non-federal sources. All funds designated as match are restricted to the same uses as the VOCA

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victim assistance grant funds and must be expended within the grant period. Match must be provided on a project-by-project basis. Funds from any of the following federal programs may not be used as sources of match for VOCA grants: Department of Justice (VOCA, Byrne, COPS, STOP Grants, Violence Against Women Act Grants), FEMA, Health and Human Services (Rape Prevention, Family Violence and VOCA Children's Justice Act), Americorps, Housing and Urban Development, and McKinney Act grants. Funds received from the Domestic Violence Prevention and Treatment Board (DVPTB) may not be used as match.

Exceptions to the 20 percent Match: VOCA sets a lower match requirement for Native American Tribes/Organizations Located on Reservations. The match for new or existing VOCA Grantee that are Native American tribes/organizations located on reservations is 5 percent (cash or in-kind) of the total VOCA project.

For the purposes of this program, cash match may include expendable equipment, office supplies, workshop or classroom materials, work space, or the monetary value of time contributed by professionals and technical personnel and other skilled and unskilled labor, if the services they provide are an integral and necessary part of a funded project. The value placed on donated services must be consistent with and not exceed the rate of compensation paid for similar work in the agency's organization. If the required skills are not found in the agency's organization, the rate of compensation must be consistent with the labor market. In either case, fringe benefits may be included in the valuation. The value placed on equipment may not exceed its fair market value. The value of rented space may not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in privately-owned buildings in the same locality.

If volunteers are to be used as match, the salary rate should be consistent with those rates paid for similar professional work in the labor market in which the project operates or current minimum wage. The rate for volunteers may not exceed the salary rate of grant paid staff. On-call volunteers may be valued at a rate of 1 hour for every 5 hours on-call and begin counting their actual time from the moment they are requested to provide direct victim services either in-person or over the phone.

Record Keeping. VOCA Grantee must maintain records that clearly show the source, the amount, and the period during which the match was allocated. The basis for determining the value of

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personal services, materials, equipment, and space must be documented. Volunteer services must be documented, and to the extent feasible, supported by the same documentation methods used by the Sub-grantee for its own paid employees.

5. **Volunteers.** VOCA Grantee must use volunteers. There will be no waivers for this requirement. Sub-grantee agencies are encouraged to promote the development of consistent, professional standards for recruitment, training, delegation, and supervision of volunteer victim service assignments. Volunteer time devoted to pre-service or in-service training may be used as grant match.
6. **Promote Community Efforts to Aid Crime Victims.** Promote, within the community, coordinated public and private efforts to aid crime victims. Coordination may include, but is not limited to, serving on task forces at the state, federal, local, or Native American, commissions, working groups, coalitions, and/or multi-disciplinary teams. Coordination efforts also include developing written interagency agreements that contribute to better and more comprehensive services to crime victims. Coordination efforts qualify an organization to receive VOCA victim assistance funds, but are not activities that can be supported with VOCA funds.
7. **Help Victims Apply for Compensation Benefits.** Such assistance must include identifying and notifying injured crime victims of the availability of crime victims compensation, assisting injured victims with application forms and procedures, helping victims obtain necessary documentation, and/or checking on claim status. In terms of claim status, due to privacy laws, CVSC cannot provide information about the victim and can only provide limited information about the victim's claim. VOCA advocates must assist victims, upon a victim's request, in preparing for evidentiary hearings. If victims want their advocate to attend an evidentiary hearing, that is allowed. However, an advocate is NOT required to attend an evidentiary hearing. Program Instructions will be provided to the Grantee for assistance with crime victims compensation. Additional copies of the Crime Victims Compensation Application and Brochures can be requested by contacting the Crime Victim Services Commission at (517)373-7373.
8. **Does not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.**

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9. Comply with Federal Rules Regulating Grants. Grantee must comply with the applicable provisions of VOCA, the VOCA Victim Assistance Guidelines, VOCA Certified Assurances and federal financial requirements, which include maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds received. This includes: financial documentation for disbursements; daily time and attendance records specifying time devoted to allowable VOCA victim services; client files; the portion of the project supplied by other sources of revenue; job descriptions; contracts for consultant services; and other records which facilitate an effective audit.
10. Maintain Civil Rights Information. Maintain statutory required civil rights statistics on victims served by race, national origin, sex, age, and disability, and report to the CVSC quarterly; and permit reasonable access to its books, documents, papers, and records to determine whether the Sub-grantee is complying with applicable civil rights laws. This requirement is waived when providing a service, such as telephone counseling, where soliciting the information may be inappropriate or offensive to the crime victim. In addition, Grantee with large VOCA grants are required to provide CVSC with civil rights compliance certification letter from the U.S. Department of Justice.
11. Comply with State Criteria. Grantee must abide by state eligibility or service criteria as established by the CVSC including submission of monthly financial reports, quarterly statistical and programmatic information, and fiscal year expenditure, statistical, and other programmatic or service information requested by the CVSC on the use and impact of VOCA funds.
12. Services to Victims of Federal Crimes. Grantee must provide services to victims of federal crimes on the same basis as victims of state/local crimes.
13. No Charge to Victims for VOCA-Funded Services. Grantee must provide services to crime victims, at no charge, through the VOCA-funded project. No deviation from this program income provision will be approved. The purpose of the VOCA victim assistance grant program is to provide services to all crime victims regardless of their ability to pay for services rendered or availability of insurance or other third-party payment resources. Crime victims suffer tremendous emotional, physical, and financial losses. It was never the intent of VOCA to exacerbate the impact of the crime by asking the victim to pay for services.

14. Client-Counselor and Research Information Confidentiality. Grantee are required to maintain confidentiality of client- counselor information, as required by state and federal law.
15. Confidentiality of Research Information. Except as otherwise provided by federal law, no recipient of monies under VOCA shall use or reveal any research or statistical information furnished under this program by any person and identifiable to any specific private person for any purpose other than the purpose for which such information was obtained in accordance with VOCA. Such information, and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding. See Section 1407(d) of VOCA codified at 42 U.S.C. 10604.

These provisions are intended, among other things, to ensure the confidentiality of information provided by crime victims to counselors working for victim services programs receiving VOCA funds. Whatever the scope of application given this provision, it is clear that there is nothing in VOCA or its legislative history to indicate that Congress intended to override or repeal, in effect, a state's existing law governing the disclosure of information which is supportive of VOCA's fundamental goal of helping crime victims. For example, this provision would not act to override or repeal, in effect, a state's existing law pertaining to the mandatory reporting of suspected child abuse. See *Pennhurst School and Hospital v. Halderman, et al.*, 451 U.S. 1 (1981). Furthermore, this confidentiality provision should not be interpreted to thwart the legitimate informational needs of public agencies. For example, this provision does not prohibit a domestic violence shelter from acknowledging, in response to an inquiry by a law enforcement agency conducting a missing person investigation, that the person is safe in the shelter. Similarly, this provision does not prohibit access to a victim service project by a federal or state agency seeking to determine whether federal and state funds are being utilized in accordance with funding agreements.

16. Both the Department and the Agency shall assure that medical services to and information contained in medical records of persons served under the agreement, or other such recorded information required to be held confidential by federal or state law, rule or regulation, in connection with the provision of services or other activity under the agreement shall be privileged communication, shall be held confidential, and shall not be divulged without the

written consent of either the patient or a person responsible for the patient, except as may be otherwise required by applicable law or regulation. Such information may be disclosed in summary, statistical, or other form which does not directly or indirectly identify particular individuals.

C. Eligible Applicant Organizations

VOCA specifies that an organization must provide direct services to crime victims and be operated by a public agency or nonprofit organization, or a combination of such agencies or organizations in order to be eligible to receive VOCA funding. A private non-profit organization whose sole purpose is to provide advocacy to the legislature for victims of crime or general community awareness of victims issues, will not be eligible for a VOCA victim assistance grant. Occasional counseling or victims assistance would not qualify for eligibility. Organizations whose sole purpose is to serve victims of crime will be given funding preference. A public agency whose sole or principal purpose is the investigation, prosecution or adjudication of cases, or general criminal justice services, or which provides health and other services to the public at large, must demonstrate that the proposed project will provide a substantial increase in cost-effective services to crime victims in its community. Eligible organizations include victim services organizations whose sole mission is to provide direct services to crime victims. These organizations include, but are not limited to, sexual assault and rape treatment centers, domestic violence programs and shelters, child abuse programs and children's advocacy centers, mental health services, and other community-based victim organizations including those who serve survivors of homicide victims.

In addition to victim services organizations, whose sole purpose is to serve crime victims, there are many other public and nonprofit organizations that have components which offer services to crime victims. These organizations are eligible to receive VOCA funds, if the funds are used to expand or enhance the delivery of crime victims' services. These organizations include, but are not limited to, the following:

1. **Criminal Justice Agencies.** Law enforcement agencies, prosecutors' offices, courts, corrections departments, and probation and paroling authorities are eligible to receive VOCA funds to help pay for victims' services. For example, prosecutor-based victim services may include enhancements to victim-witness programs, victim notification systems, and assistance with victim impact statements, including statements of pecuniary damages for restitution. Corrections-based victim services may include victim notification systems, restitution advocacy, restorative justice programs such as

victim-offender mediation, and victim impact panels. Police-based victim services may include victim crisis units or victim advocates, victim notification systems, and cellular phone and alarm services for domestic abuse victims. In general, VOCA funds may be used to provide crime victim services that exceed a law enforcement official's normal duties. Regular law enforcement duties such as crime scene intervention, questioning of victims and witnesses, investigation of the crime, and follow-up activities may not be paid for with VOCA funds.

The state Victim Rights program supports personnel in the prosecutor's office whose day-to-day tasks and activities help fulfill the prosecutor's obligations to victims with regards to the Crime Victim Rights Act. VOCA grant funds may be awarded to Prosecutors' Offices to support direct service positions that provide victim services that enhance and expand services from those mandated requirements under the Victim Rights Act.

2. Religiously-Affiliated Organizations. Such organizations may receive VOCA funds but must ensure that services are offered to all crime victims without regard to religious affiliation and that the receipt of services is not contingent upon participation in a religious activity or event.
3. Hospitals and Emergency Medical Facilities. Such organizations must offer crisis counseling, support groups, and/or other types of victim services. In addition, VOCA funds may not be awarded to a medical facility for the purpose of performing forensic examinations on sexual assault victims effective 12/29/2008.
4. Legal Service Agencies or Programs with Record of Serving Victims of Domestic Violence. Legal service agencies or programs with a demonstrated history of advocacy on behalf of domestic violence victims, including children.

D. Ineligible Recipients of VOCA Funds

Some public and nonprofit organizations that offer services to crime victims are not eligible to receive VOCA victim assistance funding. These organizations include, but are not limited to, the following:

1. Federal Agencies. This includes U.S. Attorneys Offices and FBI Field Offices. Receipt of VOCA funds would constitute an augmentation of the federal budget with money intended for states. However, private nonprofit organizations that operate on federal

land may be eligible organizations for VOCA victim assistance grant funds.

2. In-Patient Treatment Facilities. For example, those designed to provide treatment to individuals with drug, alcohol, and/or mental health-related conditions.

E. Services, Activities, and Costs at the Sub-grantee Level

1. Allowable Costs for Direct Services. The following is a listing of services, activities, and costs that are eligible for support with VOCA victim assistance funds within a Sub-grantee's organization:
 - a. Immediate Health and Safety. Those services which respond to the immediate emotional and physical needs (excluding medical care) of crime victims such as crisis intervention; accompaniment to hospitals for medical examinations; hotline counseling; emergency clothing for sexual assault victims after forensic medical examination, transportation, and other emergency services that are intended to restore the victim's sense of security. This includes services that offer an immediate measure of safety to crime victims such as boarding-up broken windows and replacing or repairing locks. Also allowable is emergency legal assistance such as filing personal protection orders and obtaining emergency custody/visitation rights when such actions are directly connected to family violence cases and are taken to ensure the health and safety of the victim.
 - b. Mental Health Assistance. Those services and activities that assist the primary and secondary victims of crime in understanding the dynamics of victimization and in stabilizing their lives after a victimization such as counseling, group treatment, and therapy.
 - c. Assistance with Participation in Criminal Justice Proceedings. In addition to the cost of emergency legal services noted above in section a. "Immediate Health and Safety", there are other costs associated with helping victims participate in the criminal justice system that also are allowable. These services may include advocacy on behalf of crime victims; accompaniment to criminal justice offices and court; transportation to court; child care or respite care for dependent adult to enable a victim to attend court; enhanced victim support services not covered by the Victim Rights Act, assistance with post sentencing parole

consideration procedures; assistance with victim impact statements, and restitution advocacy on behalf of specific crime victims. VOCA funds cannot be used to pay for non-emergency legal representation such as for divorces, child custody disputes, or civil restitution recovery efforts.

- d. **Costs Necessary and Essential to Providing Direct Services.** This includes pro-rated costs of rent (occupancy charges are not allowed), telephone service, transportation costs for victims to receive services, emergency transportation costs that enable a victim to participate in the criminal justice system, and local travel expenses for service providers. The VOCA grant application instructions outline the dollar limitations for these other costs.
- e. **Special Services.** Services to assist crime victims with managing practical problems created by the victimization such as acting on behalf of the victim with other service providers, creditors, or employers; assisting the victim to recover property that is retained as evidence; assisting injured victims in filing for crime victims compensation; and helping victims to apply for public assistance.
- f. **Personnel Costs.** Costs that are related to providing direct services, such as staff salaries and fringe benefits, including professional malpractice insurance; the cost of advertising to recruit VOCA-funded personnel; and the cost of training paid and volunteer direct service staff. Where victim caseloads justify, the CVSC encourages **full-time** positions established and supported with VOCA federal funds. Where sufficient justification cannot be made for a full-time position, the CVSC does not encourage but will consider, support of a part-time position. However, the CVSC discourages any request for split funding when the other duties assigned to this position are administrative or preventive in nature. In general, unless significant need can be justified, no more than five individual persons (5 FTE's) will be supported by VOCA grant funds.
- g. **Restorative Justice.** Opportunities for crime victims to meet with perpetrators, if such meetings are requested or voluntarily agreed to by the victim and have possible beneficial or therapeutic value to crime victims.

Review of the criteria for conducting these meetings and discussion of the proposed application with federal officials

will be undertaken prior to awarding VOCA funds for this type of activity. At a minimum, the following will be considered: (1) the safety and security of the victim; (2) the benefit or therapeutic value to the victim; (3) the procedures for ensuring that participation of the victim and offender are voluntary and that everyone understands the nature of the meeting; (4) the provision of appropriate support and accompaniment for the victim; (5) appropriate "debriefing" opportunities for the victim after the meeting or panel; (6) the credentials of the facilitators; and (7) the opportunity for a crime victim to withdraw from the process at any time. VOCA assistance funds cannot be used for victim-offender meetings which serve to replace criminal justice proceedings.

2. Other Allowable Costs and Services. The services, activities, and costs listed below are not generally considered direct crime victim services but are often a necessary and essential activity to ensure that quality direct services are provided. Before these costs can be supported with VOCA funds, CVSC staff will determine that direct services to crime victims cannot be offered without support for these expenses; that the Sub-grantee has no other source of support for them; and that only limited amounts of VOCA funds will be used for these purposes. The following list provides examples of such items:

- a. Skills Training for Staff. VOCA funds designated for training are to be used exclusively for developing the skills of direct service providers including paid staff and volunteers, so that they are better able to offer quality services to crime victims. An example of skills development is pre-service training focused on how to respond to a victim in crisis.

VOCA funds can be used for training both VOCA-funded and non-VOCA-funded service providers who work within a VOCA Sub-grantee organization, but VOCA funds cannot be used for management and administrative training for executive directors, board members, and other individuals that do not provide direct services.

Applicants must provide with grant, match or local funds (at no cost to grant) at least 24 hours of skills building staff training by outside training organization(s) for each VOCA-funded staff, match staff or one FTE volunteer if used as match. Applicant must provide written assurance if they are providing for this required training at no cost to the grant.

- b. **Training Materials.** VOCA funds can be used to purchase materials such as books, training manuals, and videos for direct service providers, within the VOCA-funded organization, and can support the costs of a trainer for in-service staff development. Staff from other organizations may attend in-service training activities that are held for the Sub-grantee staff provided that the number of outside trainees is minimal compared to those being trained for the agency.
- c. **Training Related Travel.** VOCA funds can support costs such as travel, meals, lodging, and registration fees to attend skills building conference training within Michigan or a similar geographic area so that travel costs will be minimal. Travel costs included in VOCA agreement may not exceed current state rates or agency Board approved travel rates, whichever is less. On-site supporting documentation of travel expenses charged to this agreement must be maintained.

Travel costs associated with attendance at in-state skills building training conferences offered by the Michigan Victim Assistance Academy, the Prosecuting Attorneys Association of Michigan and the Michigan Coalition Against Domestic and Sexual Violence are allowable skills development training opportunities for VOCA paid, match and volunteer staff.

When needed training is unavailable within the immediate geographical area, this office may authorize, on an individual basis, the use of VOCA funds to support training outside of Michigan. For example, VOCA Grantee may benefit by attending national conferences that offer skills building training workshops for victim assistance providers. Travel costs for one VOCA funded full time person per agency to attend the yearly National Children's Advocacy Center National Symposium of Child Sexual Abuse may be included for programs following this service model. Other out-of-state conference requests require the prior approval of the VOCA Grant Program Specialist. However, CVSC will not likely approve additional out-of-state conferences. Refer to application Help Instructions for current information.

- d. **Equipment and Furniture.** VOCA funds may be used to purchase furniture and equipment that provides or enhances direct services to crime victims, as demonstrated by the

VOCA applicant. VOCA funds cannot support the entire cost of an item that is not used exclusively for victim-related activities. However, VOCA funds can support a prorated share of such an item. In addition, VOCA funds may not be used to purchase equipment for another organization or individual to perform a victim-related service.

Examples of allowable costs may include beepers; video-tape cameras and players for interviewing children; two-way mirrors; TV, VCR, Polaroid camera, equipment and furniture for shelters, desk, chairs and locking file cabinets for staff work spaces, chairs and tables for victim waiting rooms and children's play areas. The costs of furniture, equipment such as TTY/TTD machines for the deaf, minor building alterations/improvements that make victim services more accessible to persons with disabilities are allowable. Before decisions are made on approval of these items, these requests will be reviewed in accordance with the federal financial guidelines.

Grantee are required to maintain property equipment records and report periodically with the following: a description of the property and a serial number or other identifying number; identification of title holder; the acquisition date; the cost and the percentage of VOCA funds supporting the purchase; the location, use, and condition of the property; and any disposition data, including the date of disposal and sale price.

- e. Advanced Technologies. At times, computers may increase a Sub-grantee's ability to reach and serve crime victims. For example, automated victim notification systems have dramatically improved the efficiency of victim notification and enhanced victim security.

These advanced technologies may be supported with a one-time only grant. Before completing a VOCA grant application for this service, please contact CVSC to discuss the application further. The public agency requesting the VOCA grant must be a county sheriff, prosecutor, law enforcement agency or court. A modified VOCA grant application process will be used for these projects. The applicant must describe how the computer equipment will enhance services to crime victims; how it will be integrated into and enhance the Grantee current system; the cost of installation; the cost of training staff to use the computer equipment; and the on-going operational costs.

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- f. **Contracts for Professional Services.** VOCA funds generally should not be used to support contracted services, and grantees are prohibited from using a majority of VOCA funds for contracted services. Principal activities of the project may not be subgranted or contracted out to another organization without the approval of CVSC staff. At times, however, it may be necessary for VOCA Grantee to use a portion of the VOCA grant to contract for specialized services. Examples of these services include emergency legal assistance by a lawyer in filing personal protection orders or establishing emergency custody/visitation rights in family violence cases (the provider must have a demonstrated history of advocacy on behalf of domestic violence victims); emergency psychological or psychiatric services; or sign and/or interpretation for the deaf or for crime victims whose primary language is not English.

The maximum rate for consultants/contractual services is limited per hour and per day by federal guidelines. An eight-hour day may include preparation and travel time in addition to the time required for actual performance. These limits are not discretionary.

- g. **Operating Costs.** Examples of allowable operating costs include supplies; equipment use fees, when supported by usage logs; printing, photocopying, and postage; brochures which describe available services; and books and other victim-related materials. VOCA funds may support administrative time of the funded staff to complete VOCA-required time and attendance sheets and programmatic documentation, reports, and statistics. VOCA funds may support the purchase of up to three organizational memberships in national or state criminal justice and victims' organizations.
- h. **Supervision of Volunteer Direct Service Providers.** VOCA funds may be used to support a coordinator of volunteers or interns because they offer a cost-effective way of serving more crime victims.
- i. **Repair and/or Replacement of Essential Items.** VOCA funds may be used for repair or replacement of items that contribute to maintaining a healthy and/or safe environment

for crime victims, such as a furnace in a shelter. Each request for VOCA funds for such purposes will be scrutinized to ensure the following: (1) that the building is owned by the Sub-grantee organization and not rented or leased, (2) all other sources of funding have been exhausted, (3) there is no available option for providing the service in another location, (4) that the cost of the repair or replacement is reasonable considering the value of the building, and (5) the cost of the repair or replacement is pro-rated among all sources of income.

- j. **Public Presentations.** VOCA funds may be used to support presentations that are made in schools, community centers, or other public forums, and that are designed to identify crime victims and provide or refer them to needed services. Specifically, activities and costs related to such programs including presentation materials, brochures, and newspaper notices can be supported by VOCA funds. This activity may be an occasional duty of a VOCA-funded position.
3. **Non-Allowable Costs and Activities.** The following services, activities, and costs, although not exhaustive, cannot be supported with VOCA victim assistance funds at the Sub-grantee level:
- a. **Lobbying and Administrative Advocacy.** VOCA funds cannot support victim legislation or administrative reform, whether conducted directly or indirectly.
 - b. **Perpetrator Rehabilitation and Counseling.** Grantee cannot knowingly use VOCA funds to offer rehabilitative services to offenders. Likewise, VOCA funds cannot support services to incarcerated individuals, even when the service pertains a victimization.
 - c. **Needs Assessments, Surveys, Evaluations, Studies.** VOCA program funds may not be used to pay for efforts conducted by individuals, organizations, task forces, or special commissions to study and/or research particular crime victim issues.
 - d. **Prosecution Activities.** VOCA funds cannot be used to pay for activities that are directed at prosecuting an offender and/or improving the criminal justice system's effectiveness and efficiency, such as witness notification and management activities and expert testimony at a trial. In addition, victim witness protection costs and subsequent lodging and meal

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expenses are considered part of the criminal justice agency's responsibility and cannot be supported with VOCA funds.

- e. Fundraising activities.
- f. Indirect Organizational Costs. The costs of liability insurance on buildings; capital improvements; security guards and body guards; occupancy charges; property losses and expenses; real estate purchases; mortgage payments; and construction may not be supported with VOCA funds.
- g. Property Loss. Reimbursing crime victims for expenses incurred as a result of a crime such as insurance deductibles, replacement of stolen property, funeral expenses, lost wages, and medical bills is not allowed.
- h. Most Medical Costs. VOCA victim assistance funds cannot support medical costs resulting from a victimization. VOCA funds cannot pay for nursing home care, home health-care costs, in-patient treatment costs, hospital care, and other types of emergency and non-emergency medical and/or dental treatment.
- i. Relocation Expenses. VOCA funds cannot support relocation expenses for crime victims such as moving expenses, security deposits on housing, ongoing rent, and mortgage payments. However, VOCA funds may be used to support staff time in locating resources to assist victims with these expenses.
- j. Administrative Staff Expenses. VOCA funds may not support salaries, fees, and reimbursable expenses associated with administrators, board members, executive directors, consultants, coordinators, and other individuals.
- k. Development of Protocols, Interagency Agreements, and Other Working Agreements. These activities benefit crime victims, but they are considered examples of the types of activities that Grantee undertake as part of their role as a victim services organization, which in turn qualifies them as an eligible VOCA Sub-grantee.
- l. Costs of Sending Individual Crime Victims to Conferences.
- m. Activities Exclusively Related to Crime Prevention.

- n. Food. Snacks, food or beverages for support groups, staff or volunteer meetings, collaboration meetings, or community education and awareness events.

IV. FINANCIAL AND PROGRAM REPORTING

- A. If an agreement is issued, required reporting forms will be forwarded to the Sub-grantee. Grantee must adhere to all reporting requirements and timelines for submitting the required reports, as indicated below. Failure to do so may result in a hold being placed on the reimbursement of all current year funds, a hold being placed on processing the next year's grant award, or can result in the suspension or termination of a grant or denial of a grant application.

All required reports as outlined below are to be submitted on-line at URL:

<http://egrams-mi.com/dch>

Grantee are required to submit the following reports by the dates noted below or as outlined in the Agreement with the Department. Adherence to deadlines is required and failure to submit required reports by deadline will result in the issuance of a delinquency letter and withholding release of funds until the delinquency is cleared. If your agency or unit of government has more than one project funded by the CVSC, please be aware that a reporting or performance delinquency from one project will result in the withholding of payment for all current projects. Facsimile copies of reports will not be accepted for processing.

1. Monthly Financial Report is due no later than 30 days following the end of the monthly report period. This report must reflect actual federal and match expenditures.
 2. Quarterly Program Report is due no later than 30 days following the end of the calendar quarter. This report includes quarterly victim service activities and a brief report of progress in meeting project goals and objectives.
 3. Fiscal Year Expenditure and Program Report is due no later than 45 days following the end of the project period. The Fiscal Year Expenditure report includes a fiscal year report of costs for this project with all encumbrances liquidated. The Fiscal Year Program Report includes victim service activities and an evaluation of the Grantee success in meeting the project goals and objectives.
- B. Amendments. The CVSC enters into hundreds of agreements each year. The CVSC will not approve significant adjustment of project budgets or goals after the agreement has been issued. However, over the project period it may be necessary to amend the agreement. The Sub-grantee is

required to use on-line Agreement Amendment Request to request changes in the approved agreement. This form requires that the Sub-grantee briefly outline: 1) reason for the amendment; 2) budget changes; 3) changes in funded staff; 4) changes in grant contract personnel; 5) changes project address, or changes in scope of the programmatic activities or purpose of the project including delay in agreement implementation.

- C. **Beginning the Project.** The project must be operational within thirty (30) days of the original starting date of the grant period. The Sub-grantee must submit documentation to the Crime Victim Services Commission explaining the reasons for any delay, the steps taken to initiate the project, and the expected starting date. If the project is not operational within forty-five (45) days of the original starting date of the grant period, the Sub-grantee must submit further documentation explaining the delay. The Crime Victim Services Commission may at this time cancel the project, or extend the implementation date.
- D. **Requesting an advance.** An operating advance may be provided by the Department to new Grantee to assist in initiating the program. The advance amount requested may not exceed the amount required for 30 days' operating expense. This advance must be reconciled by the first Monthly Financial Report.
- E. **Funding Acknowledgment.** Assure that appropriate funding acknowledgment is included in all materials publicizing or resulting from award activities, in press releases, program brochures and other information about the project. The funding agency for your victims assistance project is the Michigan Crime Victim Services Commission, not the federal agency. The source of funds is the Crime Victims Fund, established by the Victims of Crime Act of 1984. Acknowledgment of support should be in the following format:

This project is supported by Grant No. ____ - VA-GX-00__ awarded to the _____ (applicant agency) by the Michigan Crime Victim Services Commission. The agreement award of \$ _____ (____ percent of the project), comes from the Federal Crime Victims Fund, established by the Victims of Crime Act of 1984 administered by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The _____ (applicant agency) provides the required match valued at \$ _____ by [the use of volunteers (# of volunteer hours) or _____ (state the source of cash match).]

If a publication is provided as part of this agreement, the publication shall include the following statement: “The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice or the Michigan Department of Health and Human Services.

- F. **Victims Rights Implementation Notice.** Provide formal notice of available project services with the following information to all law enforcement agencies and prosecuting attorneys within the service area of the funded project within thirty (30) days of the project start date. Forward a copy of this notice and distribution list within thirty (30) days of the project start date to the Crime Victim Services Commission.
 - (1) A brief project description containing the target clientele (victim groups), available service, hours of service, and area of services.
 - (2) A telephone number to access services.
 - (3) The name of the project director.
 - (4) Funding acknowledgment of the project.
- G. **Legal Finding and Suits Against Funded Agencies.** A Sub-grantee must inform the Crime Victim Services Commission in writing if any federal or state court or administrative agency makes a finding of discrimination, taken against the Sub-grantee or contractor, on the grounds of race, religion, national origin, sex, or disability against a recipient of VOCA victim assistance funds. A copy of the findings will be forwarded to the Crime Victim Services Commission for the State of Michigan and the Office for Civil Rights Compliance at Office of Justice Programs at the Department of Justice.
- H. **Reporting Suspected Fraud, Waste and Abuse.** In the event of a formal allegation or a finding of fraud, waste, and/or abuse of VOCA funds, Grantee are required to immediately notify the Crime Victim Services Commission of said finding. Grantee are also obliged to apprise the Crime Victim Services Commission of the status of any on-going investigations.
- I. **Audits.** This section only applies to Grantees designated as sub-recipients. Grantees designated as contractors are exempt from the provisions of this section.

1. Required Audit or Notification Letter

Grantees must submit to the Department either a Single Audit, Financial Related Audit, Financial Statement Audit, or Audit Status Notification Letter as described below. A Financial Related Audit is applicable to for-profit Grantees that are designated as sub-recipients. If submitting a Single Audit or Financial Statement Audit or a Financial Related Audit, Grantees must also submit a

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Corrective Action Plan for any audit findings that impact MDHHS-funded programs, and management letter (if issued) with a response.

a. Single Audit

Grantees that are a state, local government, or non-profit organization with fiscal years that begin prior to December 26, 2014 and that expend \$500,000 or more in federal awards during the Grantee's fiscal year, must submit a Single Audit to the Department, regardless of the amount of funding received from the Department. The Single Audit must comply with the requirements of the Single Audit Act Amendments of 1996, and Office of Management and Budget (OMB) Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," as revised.

Grantees that are a state, local government, or non-profit organization with fiscal years beginning on or after December 26, 2014 and that expend \$750,000 or more in federal awards during the Grantee's fiscal year, must submit a Single Audit to the Department, regardless of the amount of funding received from the Department. The Single Audit must comply with the requirements of Title 2 Code of Federal Regulations, Subpart F.

b. Financial Related Audit

Grantees that are for-profit organizations with fiscal years that begin prior to December 26, 2014 and that expend \$500,000 or more in federal awards during the Grantee's fiscal year must submit either a financial related audit prepared in accordance with Government Auditing Standards relating to all Federal awards; or an audit that meets the requirements contained in OMB Circular A-133, if required by the Federal awarding agency.

Grantees that are for-profit organizations with fiscal years beginning on or after December 26, 2014 and that expend \$750,000 or more in federal awards during the Grantee's fiscal year must submit either a financial related audit prepared in accordance with Government Auditing Standards relating to all Federal awards; or an audit that meets the requirements contained in Title 2 Code of Federal Regulations, Subpart F, if required by the Federal awarding agency.

c. Financial Statement Audit

Grantees exempt from the Single Audit and Financial Related Audit requirements with fiscal years that begin prior to December 26, 2014 that receive \$500,000 or more in **total funding** from the Department in State and Federal grant funding must submit to the Department a Financial Statement Audit prepared in accordance with generally accepted auditing standards (GAAS). Grantees exempt from the Single Audit and Financial Related Audit requirements with fiscal years that begin prior to December 26, 2014 that receive less than \$500,000 of total Department grant funding must submit to the Department a Financial Statement Audit prepared in accordance with GAAS if the audit includes disclosures that may negatively impact MDHHS-funded programs including, but not limited to fraud, going concern uncertainties, financial statement misstatements, and violations of contract and grant provisions.

Grantees exempt from the Single Audit and Financial Related Audit requirements with fiscal years beginning on or after December 26, 2014 that receive \$750,000 or more in **total funding** from the Department in State and Federal grant funding must submit to the Department a Financial Statement Audit prepared in accordance with generally accepted auditing standards (GAAS). Grantees exempt from the Single Audit and Financial Related Audit requirements with fiscal years beginning on or after December 26, 2014 that receive less than \$750,000 of total Department grant funding must submit to the Department a Financial Statement Audit prepared in accordance with GAAS if the audit includes disclosures that may negatively impact MDHHS-funded programs including, but not limited to fraud, going concern uncertainties, financial statement misstatements, and violations of contract and grant provisions.

d. Audit Status Notification Letter

Grantees exempt from the Single Audit, Financial Related Audit and Financial Statement Audit requirements (a., b., and c. above) must submit an Audit Status Notification Letter that certifies these exemptions. The template Audit Status Notification Letter and further instructions are available at <http://www.michigan.gov/mdch> by selecting Inside Community Health – MDCH Audit.

e. Audit Responsibilities for New Applicants.

Agencies not currently funded must include with grant application the applicant's most recent Single Audit or Audited Financial Statements prepared by an independent auditor and in compliance with Government Accounting Standards.

2. Due Date and Where to Send

The required audit and any other required submissions (i.e. Corrective Action Plan and management letter with a response), or Audit Status Notification Letter must be submitted to the Department within nine months after the end of the Grantee's fiscal year by e-mail to the Department at MDHHS-AuditReports@michigan.gov. The required submissions must be assembled in PDF files and compatible with Adobe Acrobat (read only). The subject line must state the agency name and fiscal year end. The Department reserves the right to request a hard copy of the audit materials if for any reason the electronic submission process is not successful.

3. Penalty

a. Delinquent Single Audit, Financial Related or Financial Statement Audit

If the Grantee does not submit the required Single Audit, Financial Related Audit, or Financial Statement Audit, including any management letter with a response and applicable Corrective Action Plan within nine months after the end of the Grantee's fiscal year the Department may withhold from the current

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funding an amount equal to five percent of the audit year's grant funding (not to exceed \$200,000) until the required filing is received by the Department. The Department may retain the amount withheld if the Grantee is more than 120 days delinquent in meeting the filing requirements. The Department may terminate the current grant if the Grantee is more than 180 days delinquent in meeting the filing requirements.

b. Delinquent Audit Status Notification Letter

Failure to submit the Audit Status Notification Letter, when required, may result in withholding from the current funding an amount equal to one percent of the audit year's grant funding until the Audit Status Notification Letter is received.

4. Other Audits

The Department or federal agencies may also conduct or arrange for "agreed upon procedures" or additional audits to meet their needs.

5. Subrecipient/Vendor Monitoring

The Sub-grantee must assure that each of its **sub-recipients** comply with the above Single Audit requirements. The Sub-grantee must issue management decisions on audit findings of their subrecipients as required by OMB Circular A-133 or 2 CFR Part 200.

The Sub-grantee must also develop a sub-recipient monitoring plan that addresses "during the award monitoring" of sub-recipients to provide reasonable assurance that the sub-recipient administers federal awards in compliance with laws, regulations, and the provisions of contracts, and that performance goals are achieved. The sub-recipient monitoring plan should include a risk-based assessment to determine the level of oversight, and monitoring activities such as reviewing financial performance reports, performing site visits, and maintaining regular contact with sub-recipients.

The Sub-grantee must monitor **vendors** for performance of contract requirements.

V. CRIME VICTIMS COMPENSATION BENEFITS AND PROJECT FUNDING COORDINATION

This section provides additional guidance on when, and if, it is appropriate for a funded agency to anticipate compensation program benefits for services provided to a crime victim by that agency. All VOCA funded programs are required to assist injured victims of crime in seeking victims' compensation benefits, and should follow the instructions below. Effective December 29, 2008, Sexual Assault forensic Medical Examinations are reimbursed directly to the

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health care provider by either insurance or the CVSC SAFE Response program. The victim is not involved in the reimbursement process, and may not be billed for any costs incurred for the sexual assault exam. Contact the CVSC Safe Response program for more information at (517) 335-4993.

- A. Victim assistance services funded by VOCA are always the victim's primary resource when:
 - 1. The victim is receiving services provided for in a funded project's project description and application for funding.
 - 2. The victim is receiving services for a type of victimization provided for in a funded project's project description and application for funding.
 - 3. The victim is receiving services at a site in the community, county, or other geographic region provided for in a funded project's project description and application.
- B. Victim compensation benefits should be applied for when:
 - 1. The injured victim incurs financial loss for services not provided by the applicant agency.
 - 2. The injured victim incurs financial loss for services provided by the applicant agency through a service program separate from the service program for which VOCA project funds are expended.
 - 3. The service charges to these victims do not exceed any existing sliding scale eligibility or other method of fee for service determination commonly applicable to agency clients.
 - 4. The injured victim incurs financial loss from loss of earnings, burial expenses or loss of support in case of survivors, or incidental costs incurred to receive VOCA funded services.
- C. In case of unexpected and overwhelming community tragedy, a VOCA funded agency may contact the Commission to request emergency victim compensation approval and / or victim assistance grant enhancement approval from the Director.

Crime Victims Compensation benefits are dependent upon statutory criteria that do not effect victim assistance program direct services. In most instances, the claim must be filed within one year from the date of injury, and the victim must meet tests of crime reporting, cooperation with the criminal justice system, minimum loss requirements, elimination of private insurance/public fund resources, and other eligibility factors.

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Project personnel are encouraged to contact the Crime Victim Services Commission for additional assistance and information when needed. Prior approval is required in those circumstances outlined in section C. above. The intent of section C. is to help ensure, in unusual circumstances, that victims do not go without needed services.

VI. STATE AND FEDERAL FINANCIAL AND PROGRAMMATIC MONITORING

The state and federal financial and programmatic officials conduct periodic reviews of the financial policies, procedures, and records of VOCA Grantee. While on site, personnel will review various agreement documents and files such as: (1) reports; (2) policies and procedures governing the organization and the VOCA funds; (3) programmatic records of victims' services; and (4) timekeeping records, time and attendance and other supporting documentation for costs supported by VOCA funds. Therefore, upon request, Grantee must allow authorized representatives to access and examine all records, books, papers, case files, or documents related to the agreement. Grantee will be subject to a site visit by state officials periodically but no less than once every three to four years or as outlined per your Agreement.

VII. SUSPENSION AND TERMINATION OF FUNDING

An agreement is in full force and effect for the period specified in the grant award agreement. The agreement may be terminated by either party by giving sixty (60) days written notice to the other party stating the reasons for termination and effective date. It may also be terminated on thirty (30) days prior written notice upon the failure of either party to carry out the terms of this agreement, provided the alleged defaulting party is given notice of the alleged breach and fails to cure the default within the thirty (30) days. The agreement may be terminated immediately without further liability to the state, the Department and employees if the agency or an official of the agency or an owner is convicted of any activity referenced in Assurances during the term of this grant or any extension thereof.

If the agreement is terminated by either party, the Sub-grantee shall provide the CVSC within thirty (30) days after conclusion or termination, a completed Fiscal Year Expenditure and Program Report and other reports required as a condition of the grant. The CVSC will make payments to the Sub-grantee for allowable reimbursable costs not covered by previous payments. The Sub-grantee shall immediately refund to the Sub-grantee any payments or funds advanced to the Sub-grantee in excess of allowable reimbursable expenditures.

If, after notice and opportunity for Sub-grantee response, the State finds that a Sub-grantee has failed to comply substantially with VOCA, the federal guidelines, the VOCA Guidelines, or any implementing regulation or requirement, the State may suspend or terminate funding to the Sub-grantee.

VIII. GRANT REFERENCES

The OJP *Financial Guide* serves as the primary reference manual to assist award recipients in fulfilling their fiduciary responsibility to safeguard grant funds and ensure funds are used for the purposes for which they were awarded. It compiles a variety of laws, rules and regulations that affect the financial and administrative management of your award. References to the underlying laws and regulations as much as possible. The *Guide* should be the starting point for all recipients and sub-recipients in ensuring the effective day to day management of your awards. The provisions of the *Guide* apply to Department of Justice awards.

For additional information on grants management, please visit the Office of Management and Budget's (OMB) Web site at:

http://www.whitehouse.gov/omb/circulars_default

to obtain copies of current circulars.

The Government Printing Office also maintains electronic copies of the Code of Federal Regulations at

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>

and e-CFR at

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>.

IX. REPORTING FRAUD

It will refer to the United States Department of Justice's (DOJ) Office of Inspector General (OIG) and the Michigan Crime Victim Services Commission (CVSC) any credible evidence that a principal, employee, agent, contractor, subgrantee, or other person has either 1) submitted a false claim for these funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, wastes, abuse, conflict of interest, bribery, gratuity, or similar misconduct involving these funds. This condition also applies to any subgrantees or Grantee. Potential fraud, waste, abuse or misconduct should be reported to the Office of Inspector General (OIG) by:

- a. Mailing to: Office of Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W., Room 4706, Washington, D.C. 20530,
- b. Emailing to: oig.hotline@usdoj.gov,
- c. Hotline information: 1-800-869-4499 in English and Spanish, or
- d. Hotline fax: 1-202-616-9881.

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

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ATTACHMENT A

EMPLOYEE FUNDING TIME

Grantee are required to maintain daily time and attendance records specifying time devoted to the VOCA project for all positions. This includes fully and partially funded and match positions.

EMPLOYEE FUNDING DISTRIBUTION TIME REPORT

EMPLOYEE NAME	PAY PERIOD ENDING DATE	CVA PROJECT #
		AGENCY FISCAL YEAR

DAILY HOURS BY FUNDING SOURCE															
S O U R C E	DATE	DATE	DATE	DATE	DATE	DATE	DATE		DATE	DATE	DATE	DATE	DATE	DATE	DATE
	SUN	MON	TUE	WED	THU	FRI	SAT		SUN	MON	TUE	WED	THU	FRI	SAT
VOCA															
DAILY TOTAL															

THE ENTRIES ON THIS REPORT ARE, TO THE BEST OF MY KNOWLEDGE, COMPLETE AND TRUE		
EMPLOYEE SIGNATURE	TITLE	DATE
SUPERVISOR SIGNATURE	TITLE	DATE

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ATTACHMENT B

VOLUNTEER MATCH TIME

Grantee are required to maintain daily time and attendance records specifying time devoted to the VOCA project for all positions, including volunteers used as match for the grant.

VOLUNTEER MATCH DISTRIBUTION TIME REPORT

VOLUNTEER NAME 	PAY PERIOD ENDING DATE 	CVA PROJECT # AGENCY FISCAL YEAR
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DAILY HOURS DEDICATED TO FUNDING SOURCE															
S O U R C E	DATE	DATE	DATE	DATE	DATE	DATE	DATE		DATE	DATE	DATE	DATE	DATE	DATE	DATE
	SUN	MON	TUE	WED	THU	FRI	SAT		SUN	MON	TUE	WED	THU	FRI	SAT
VOCA															
DAILY TOTAL															

THE ENTRIES ON THIS REPORT ARE, TO THE BEST OF MY KNOWLEDGE, COMPLETE AND TRUE		
VOLUNTEER SIGNATURE 	TITLE 	DATE
SUPERVISOR SIGNATURE 	TITLE 	DATE